



CITY OF DULUTH

Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 13-116	Contact	Steven Robertson, (218) 730 5295	
Application Type	Variance from Corner Side Yard Setback	Planning Commission Date	October 8, 2013	
Deadline for Action	Application Date	September 3, 2013	60 Days	October 31, 2013
	Date Extension Letter Mailed	September 16, 2013	120 Days	January 1, 2014
Location of Subject	201 West Winona Street			
Applicant	Patricia McQuade	Contact	pmqnorth@yahoo.com	
Agent		Contact		
Legal Description	010-3240-00620			
Site Visit Date	September 15, 2013	Sign Notice Date	September 23, 2013	
Neighbor Letter Date	September 19, 2013	Number of Letters Sent	40	

Proposal

The applicant wishes to construct a new detached accessory structure (16'x24' garage). The proposed site is within the corner side yard setback. According to the applicant, because of the slope of the property, building a garage with the the required 20 foot setback would cause considerable drainage problems.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements (reference section with a brief description):

Sec. 50-14.5 - Residential-Traditional District. Width of front side yard for Detached accessory structure: 20 feet

Sec. 50-37.9. B - Variances. Procedures. "The Planning Commission shall ... make a decision on the application based on the criteria in subsections 50-37.9.C through M....

Sec. 50-37.9.C. - General Variance Criteria. See UDC pages 5-29 through 5-33 (paraphrased here):

Granting of variances of any kind is limited to situations where, due to characteristics of the applicant's property, enforcement of the ordinance would cause the landowner practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That they are proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

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Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Traditional Neighborhood Future Land Use. Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

Principle #8 - Encourage mix of activities, uses and densities

Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

- 1) The applicant would like to place a new detached garage (16 x 24) on the lot, facing Elysian Avenue and 13 feet from the lot line. There was a previous garage in a similar approximate location, but it was removed.
- 2) The home was built in 1949. The lot is 53 feet wide and a 150 feet deep. The rear 90 feet of the lot slopes upwards approximately 20 feet. A single stall garage on a residential property has generally been considered reasonable, and single stall garages are not out of character for this neighborhood.
- 3) The applicant wishes to build closer to the corner side yard setback. By placing the garage 7 feet closer to Elysian Avenue, the applicant believes that they can improve stormwater flow and management on the property. The applicant has submitted two letters (one from City Engineering and the other from the University Sea Grant Program) generally endorsing the idea of placing the garage closer to Elysian in order to improve storm water quality and volume. It should be noted that the letters provide context behind the request, but do not address other alternatives that could also improve stormwater control without the need for a variance. The applicant has also identified economic cost concerns with building the garage outside of the setback with a retaining wall and culvert.
- 4) The applicant has not indicated site conditions, such as wetlands or bedrock, which would cause a practical difficulty. The applicant has other reasonable alternatives for building the garage that would not require a variance. The applicant could build a smaller garage (16x20) which could be positioned as to still provide the stormwater control desired without needing a variance. The applicant could also build the garage up to 5 feet from the neighboring sideyard property line, and grade the property to direct the stormwater down to Winona Street.
- 5) The requested variance application provides reasons for supporting the variance (stormwater control) but the applicant does not have a practical difficulty with the size or shape of the lot, and there are not special circumstances or conditions that create the need for relief. Economic considerations are not a sufficient reason to grant a variance.
- 6) Other than the two letters from concerning stormwater run off from Mr. Chris Kleist and Mr. Jesse Schomberg, no City, public, or agency comments were received.
- 7) Per UDC Sec. 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff finds that the requested variance does not meet the general variance criteria established in 50-37.9, the applicant does not have a practical difficulty, and the applicant has not explored other alternatives for constructing a garage that would not require a variance, and therefore staff recommends denial.

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Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



City Planning

PL 13-116

Variance

201 W Winona Street

Legend

Right-of-Way Type

----- Road or Alley ROW

Vacated ROW

Zoning (Final)

Future Land Use

Preservation

Recreation

Rural Residential

Low-density Neighborhood

Traditional Neighborhood

Urban Residential

Neighborhood Commercial

Neighborhood Mixed Use

General Mixed Use

Central Business Secondary

Central Business Primary

Auto Oriented Commercial

Large-scale Commercial

Business Park

Tourism/Entertainment District

Medical District

Institutional

Commercial Waterfront

Industrial Waterfront

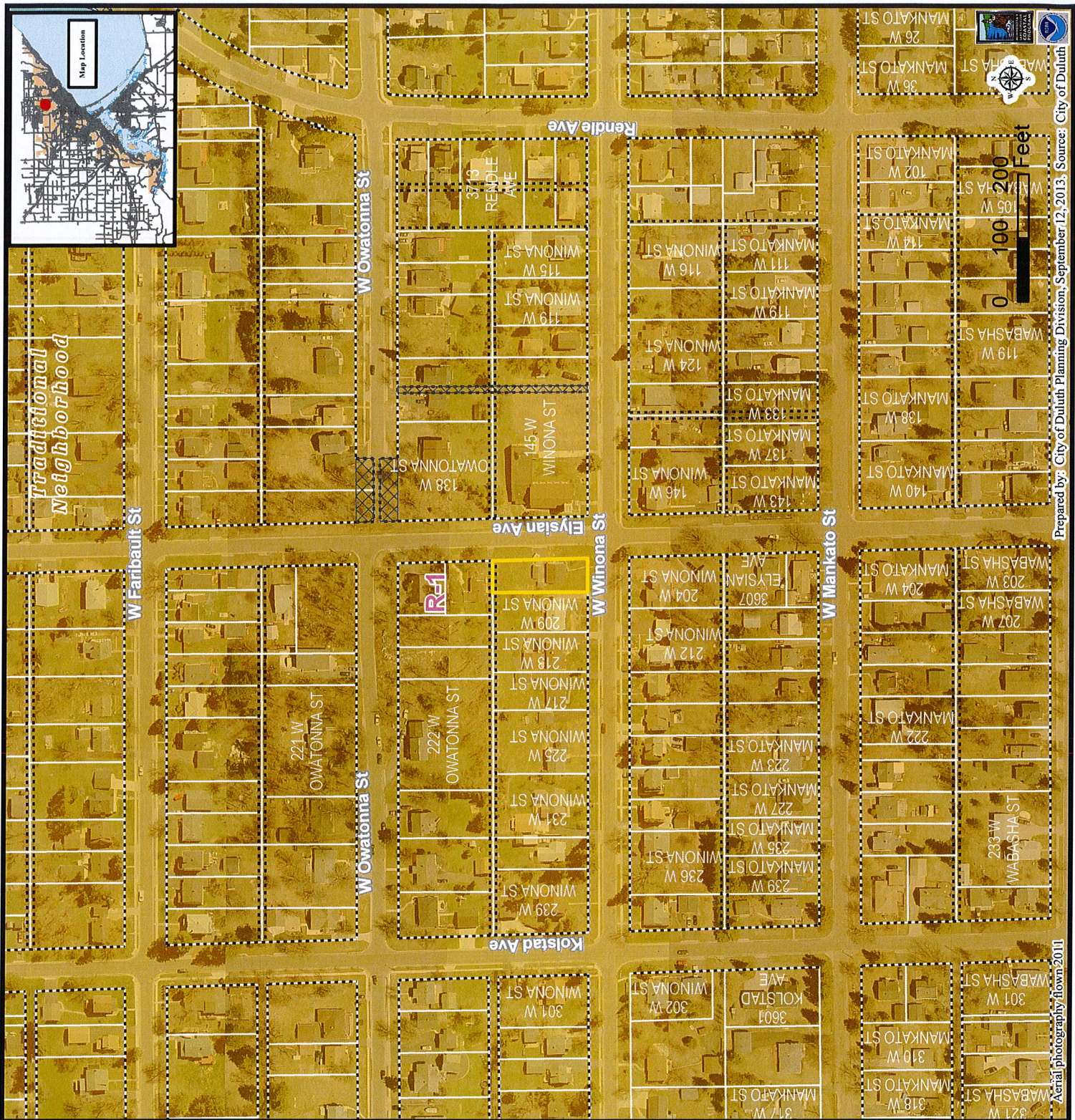
Light Industrial

General Industrial

Transportation and Utilities

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Aerial photography from 2011

Prepared by: City of Duluth Planning Division, September 12, 2013. Source: City of Duluth

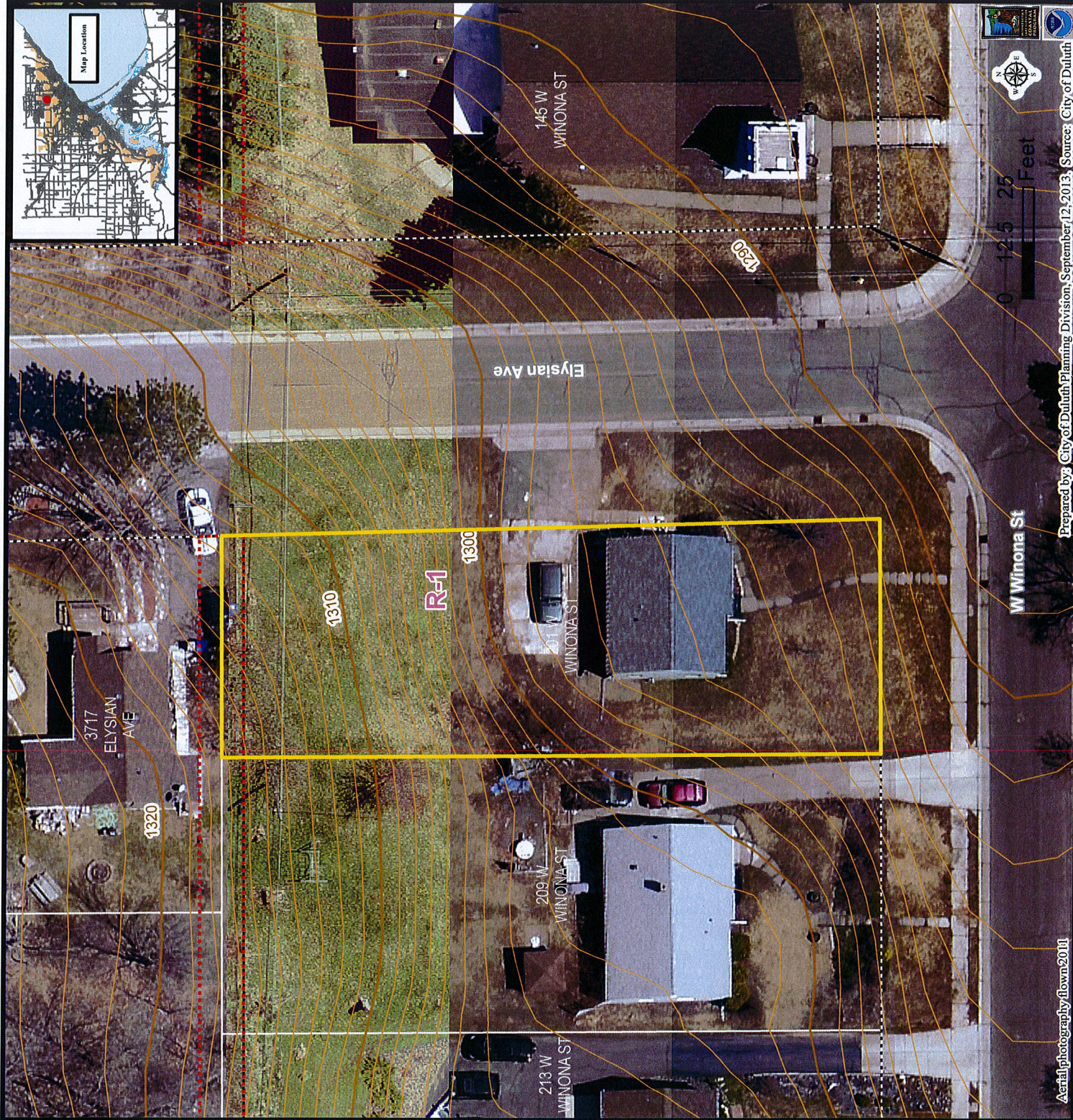
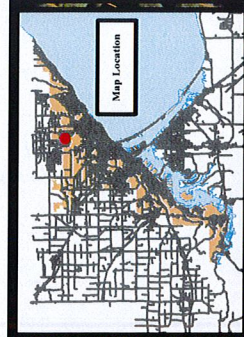


City Planning

PL 13-116

Variance

201 W Winona Street



Legend

Contours 1 Ft

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Right-of-Way Type

- Road or Alley ROW
- Vacated ROW

Easement Type

- Utility Easement
- Other Easement
- Zoning (Final)

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Aerial photography flown 2011

Prepared by: City of Duluth Planning Division, September 12, 2013. Source: City of Duluth

Steven Robertson

From: Pat McQuade <pmqnorth@yahoo.com>
Sent: Friday, September 27, 2013 3:02 AM
To: Steven Robertson
Subject: additional info on variance

Dear Steven,

I am requesting a variance for a 13 foot setback instead of the required 20 foot setback.

My project is to build a 16 x 24 foot garage. With the variance, it would be 1 foot north of the existing slab, to meet the code for a 10 foot distance from the house. It would be 3 feet west of the east end of the existing slab. Which would place it 13 feet from the Elysian Ave. right of way, instead of the required 20 feet.

My basement leaks now, when there is a heavy rain, a 20 foot setback would cause further drainage problems for the property and the basement. With the nearly 20 foot high hill on the north side of the property, runoff would have to first be made to 'drain up hill' and then under the driveway to Elysian Ave. This would need to be done to avoid more water problems in the basement. Because of the convergence of two hills (north and west) a 20 foot setback wouldn't allow room for the north hill to drain on the west side.

Without the variance, in order to divert the runoff to Elysian Ave., there would have to be a more extensive excavation of the hill, so an expensive retaining wall would need to be built and a culvert laid under the driveway and angled toward Elysian Ave. This would cause it's own set of problems.

With my request for a 13 foot setback, the majority of the runoff could easily be diverted to the west side of the property, past the house and allowed to filter and disperse across the front lawn area.

A 16 x 24 foot garage with a 13 foot setback should not have a negative impact because;

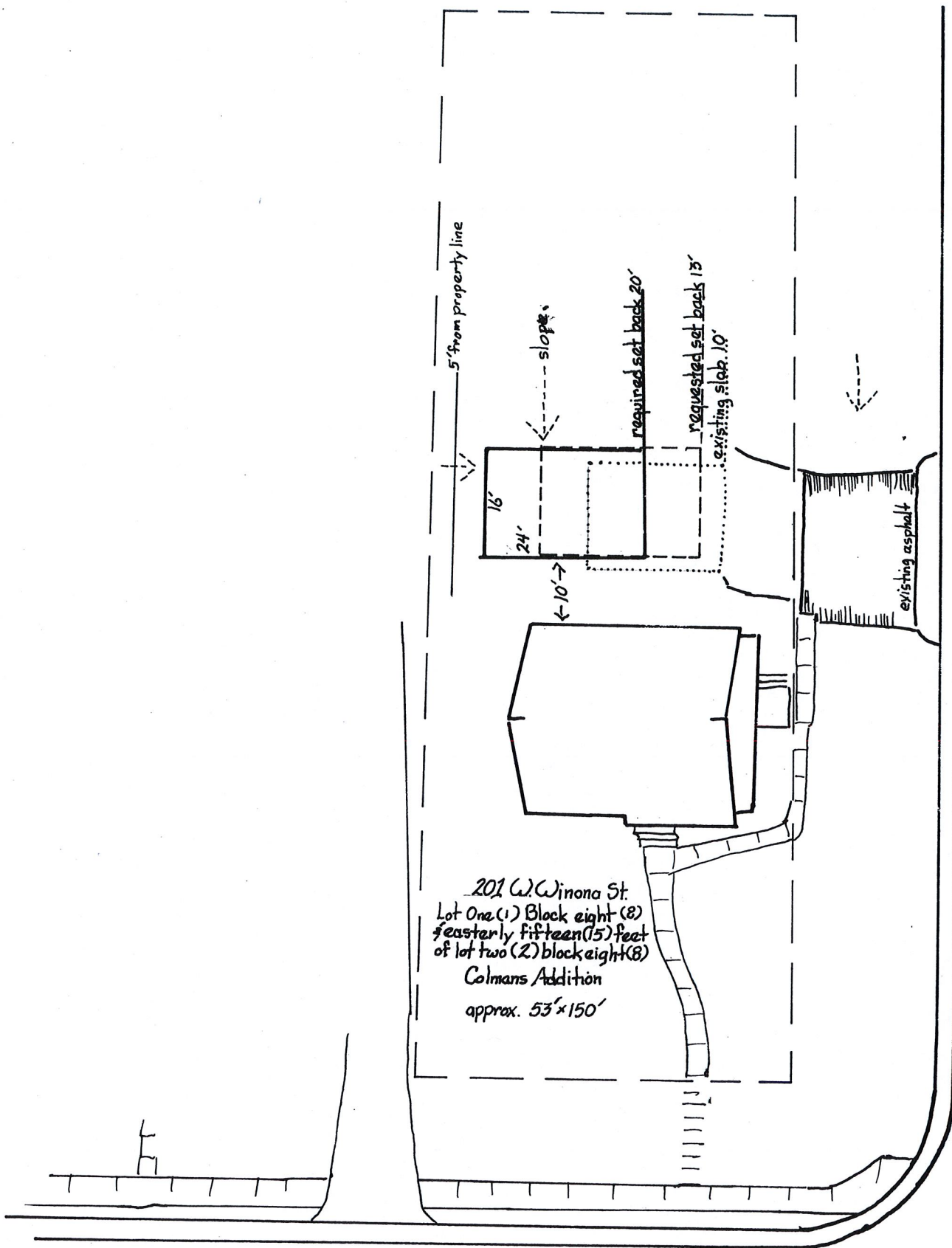
- It is within a few feet of the former garage.
- It is consistent with the neighborhood.
- It doesn't interfere with any sight lines.
- It wouldn't crowd the property line on the west side.
- It will improve drainage around the buildings and reduce storm water runoff.

Being on a limited income I moved to a smaller affordable house. The cost of building a retaining wall, installing a culvert, and the additional drainage excavation would be prohibitive.

Granting a 7 foot variance from the 20 foot setback requirement would seem to be the most ecologically sound and simplest solution to the drainage problems caused by building next to the hill on the property.

Thank you for your consideration.

Patricia McQuade
201 West Winona St.
Duluth, Mn. 55803
218-724-3404





North to South view



South to North view
Neither should obstruct any sightline

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Front view to North

20' set back would place garage into west hill and not allow drainage from north hill and north side of garage.

All drainage would have to be diverted to Elysian Ave.

A 13' set back would allow adequate drainage on west side.

Thank you for your consideration.

Pat McQuade
201 W. Winona St.
Duluth Mn. 55803
724.3404

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City of Duluth

DEPARTMENT OF PUBLIC WORKS/UTILITIES

Chris Kleist - Engineering Division

411 W. 1st St. Room 211 • Duluth MN 55802

(218) 730-4063 ckleist@duluthmn.gov

August 13, 2013

Pat McQuade
201 W Winona Street
Duluth, MN 55803

Dear Pat McQuade,

This letter is in response to your variance request and our meeting this afternoon at your property.

City of Duluth Engineering supports your variance request to construct a garage closer to Elysian Ave than current setbacks allow. This decision is based on the fact that placing the garage at the standard setbacks would likely have a negative impact on your property's drainage.

I hope this answers your questions, if not please call me anytime at 218-730-4063.

Sincerely,

Chris Kleist
Program Coordinator
City of Duluth
218-730-4063
ckleist@duluthmn.gov

cc: Jennifer Moses

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UNIVERSITY OF MINNESOTA

Minnesota Sea Grant College Program

*144 Chester Park
31 W. College Street
Duluth, MN 55812*

*Phone: 218-726-8106
Fax: 218-726-6556*

Pat McQuade
201 W Winona St
Duluth, MN 55803

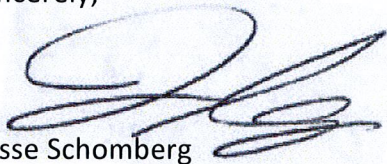
Dear Pat McQuade;

This letter is in response to our meeting at your property this afternoon, and your pending variance request with the City of Duluth regarding a garage setback.

It is my opinion that meeting the setback would have negative impacts to the drainage on your property. In addition, it would increase the amount of impervious surface on your lot and increase the amount of stormwater runoff into the storm sewer system and Tischer Creek, a designated trout stream.

By allowing you to build closer to Elysian Ave, space behind the garage would be available for drainage and stormwater conveyance and the total amount of impervious surface would be reduced. In addition, we discussed the possibility of constructing a rain garden downhill from this area, which would further capture and treat stormwater from the large hill directly adjacent to your garage, in addition to roof runoff. If the setback were met, this option would be eliminated.

Sincerely;



Jesse Schomberg

Coastal Communities and Land Use Planning Extension Educator
University of Minnesota Sea Grant Program
31 W College St
Duluth, MN 55812

Cc: Jen Moses

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